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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Reid W. von Borstel

Atty. Ref.: 1331-337

Serial No. 09/838,136

Group:

Filed: April 20, 2001

Examiner:

For: COMPOSITIONS AND METHODS FOR TREATMENT OF
MITOCHONDRIAL DISEASES

RECEIVED

MAY 30 2002

May 29, 2002 TECH CENTER 1600/290

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

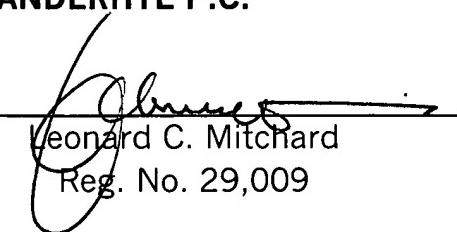
Attached is a completed Form PTO-1449 listing a letter in connection with this application. Also attached is a copy of that letter.

The letter, dated July 27, 1998, is from Robert K. Naviaux to the U.S. Food and Drug Administration (FDA) in connection with an IND submission. The first paragraph on the second page of the enclosed letter relates to an abstract entitled "Clinical experience with uridine and triacetyluridine (PN40 1) therapy of mitochondrial disease", which appeared in the program for the September 5-7, 1998 Mitochondrial Dysfunction in Human Pathology meeting held in Melbourne, Australia. A copy of the published abstract has been provided to the Patent and Trademark Office. The significance of the letter is that it indicates that Dr. Naviaux may have provided a copy of the abstract to the FDA before the August 31, 1998 filing date of the earliest-filed application in the referenced patent family.

The Examiner is requested to initial the attached PTO-1449, and to return a copy of the initialed document to the undersigned as an indication that the listed letter has been considered and made of record.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

Letter dated July 27, 1998 from Robert K. Naviaux to the U.S. Food and Drug Administration (FDA)

*Examiner _____ Date Considered _____

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.